

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

FEDERAL HOUSING	)	Case No. 3:16-cv-00461-RCJ-WGC
FINANCE AGENCY, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	<b><u>MINUTES OF PROCEEDINGS</u></b>
	)	
vs.	)	April 11, 2017
	)	
THUNDER PROPERTIES, INC.,	)	
	)	
Defendant.	)	
_____	)	

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: Katie Lynn Ogden REPORTER: FTR

COUNSEL FOR PLAINTIFFS: Leslie Hart (present obo: Federal Housing Finance Agency and Federal Home Loan Mortgage Corporation), Erica Stutman (telephonically obo: Federal National Mortgage Association), Katie Weber (telephonically obo JPMorgan Chase Bank, N.A.), Daniela Madrid (telephonically obo: Ditech Financial LLC) and Natalie Winslow (telephonically obo: Nationstar Mortgage, LLC, Bayview Loan Servicing LLC and Bank of America, N.A.)

COUNSEL FOR DEFENDANT: Roger Croteau (Telephonically)

**MINUTES OF PROCEEDINGS: Interim Status Conference/Motion Hearing**

1:41 p.m. Court convenes.

The court holds today's conference to address Plaintiffs' Motion to Stay Discovery Pending Resolution of Their Motion for Summary Judgment (ECF No. 23).

The court is in receipt and has reviewed the parties' joint status report (ECF No. 27). The court and counsel discuss recent decisions entered in similar cases within this District and the Ninth Circuit's decision in the *Bourne Valley* matter and how those decisions may or may not apply to this case specifically.

The court and counsel have general discussion regarding the Plaintiffs' motion for summary judgment (ECF No. 22).

The court next inquires whether Thunder Properties, Inc. ("Thunder Properties") has filed a Fed. R. Civ. P. 56(d) motion to stay summary judgment to allow discovery to proceed on either the issue of the noticing of the HOA foreclosure proceedings or the chain of title issue. Mr. Croteau explains that Thunder Properties has not specifically filed a Fed. R. Civ. P. 56(d) motion. However, Thunder Properties did file an opposition to Plaintiffs' motion to stay (ECF No. 29), which Defendant considers its response constitutes as a Rule 56(d) motion.

The court next addresses the matter of discovery and notes that discovery deadlines were established during the February 8, 2017, status conference (ECF No. 16). The court expresses its concern that Thunder Properties did not file a Fed. R. Civ. P. 56(d) motion. Nevertheless, the court suggests the most appropriate approach for discovery at this time is to narrow the scope of the requests.

After hearing from counsel, IT IS ORDERED that Plaintiffs' Motion to Stay Discovery Pending Resolution of Their Motions for Summary Judgment (ECF No. 23) is **GRANTED in part** and **DENIED in part**. Discovery shall proceed on the issue regarding noticing of the HOA foreclosure proceedings by the lender or lenders and whether the lender/lenders are in the chain of title. The court cautions Defendant to be circumspect with its discovery requests given the limited parameters the court has set forth for this particular discovery.

The court schedules a status conference for **Wednesday, 7/19/2017, at 10:00 a.m.** in Reno Courtroom 2 before Magistrate Judge William G. Cobb. Counsel wishing to appear telephonically shall dial **1-877-873-8017**, enter the access code **3416460**, and enter the security code **71917** approximately five (5) minutes prior to the hearing.

There being no additional matters to address at this time, court adjourns at 2:10 p.m.

DEBRA K. KEMPI, CLERK OF COURT

By: \_\_\_\_\_/s/  
Katie Lynn Ogden, Deputy Clerk